

**Town of Milford
Zoning Board of Adjustment Minutes
April 5, 2012
Case #2012-03
Terry Thomas
Special Exception**

Present: Kevin Johnson, Chairman
Laura Horning
Fletch Seagroves
Zach Tripp
Steve Winder

Secretary: Peg Ouellette

The applicant, Terry Thomas, owner of 295 Federal Hill Road, Map 53, Lot 84, in the Residence "R" district, is requesting a special exception from Article V, Section 5.04.2:A.3 for a home occupation to operate a family photography studio, in accordance with Article X, Section 10.02.03

Minutes for case 2012-03 were approved and signed on April 19, 2012.

Kevin Johnson, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinances and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board; he then introduced the Board. He read the notice of hearing into the record as well as the list of abutters. Terry Thomas, the applicant, was present. No abutters were present.

Terry Thomas stated they have a photography studio in Milford, specializing in children and families, currently on Nashua Street. They would like to move it to their home. They have space in the home that would be a studio. The yard has flowers, etc. that could be used in photos. Kevin Johnson asked if there were any questions from members of the Board. There were none, except that Kevin Johnson said the drawing provided did not have the second dimension of the 31 ft. main portion, it didn't have the whole house.

Terry Thomas replied, referring to the drawing, that there was 28 ft. and 14 ft, so it is 14 ft, 28 ft. and 14 ft.

Kevin Johnson said that one dimension was missing so he was unable to calculate the actual dimension of the total first floor. But based on the approximate scale he had estimated it at 31 ft., slightly over Ms. Thomas's figure. He asked about it just to verify the dimensions were within the requirements.

Kevin Johnson opened the meeting for public comment for any members of the audience who wished to ask questions. There were none.

Kevin Johnson closed the public portion of the hearing. He then read into the record a letter received regarding this case, dated March 28, 2012 addressed to: *Town of Milford, Zoning Board of Adjustment, 1 Union Square, Milford, NH - Subject: Case #2012-03, Terry Thomas, 295 Federal Hill Road, Map 53, Lot 84. Attention: Kevin Johnson, Chairman Zoning Board – As we are unable to attend the Zoning Board of Adjustment Hearing on Thursday, April 5, 2012, please be advised that we do not object to the special exception request regarding the applicant named above. Sincerely, Dennis & Kristine Fietze, Abutters, 287 Federal Hill Road, Milford, NH*

Kevin Johnson said that since these abutters were unable to appear, they wanted to let the Board know they have no objections.

Chairman Johnson then requested the applicant to read the application into the record, going through the criteria for a special exception: (he stated if any Board member had a question he or she could interrupt at any time)

Description of proposed use:

The proposal is for a family photography studio in our home

1. The proposed use shall be similar to those permitted in the district:

It will maintain the character of the area. We will have a small sign. Our studio will have very limited traffic as we have only one client at a time and no more than 3 clients a day. We are a family orientated area and want to maintain it as such.

2. The specific site is an appropriate location for the proposed use because:

The property has gardens and trees that make beautiful backgrounds for outdoor images. There is an existing driveway to the proposed entry to the proposed studio. The area in the home is ideal for a studio space as it is an open space with great lighting. There is a bank of windows that provide beautiful light.

3. The use as developed will not adversely affect the adjacent area because:

We see clients one at a time, so usually only one car at a time. Clients usually come in the afternoon and early evening. There will be no structural changes to the outside of the house (or cosmetic changes). There will be very limited traffic.

4. There will be no nuisance or serious hazard to vehicles or pedestrians:

There will not be any heavy trucks associated with the business. We generate minimal traffic, in our business time we may have three sessions a day (summertime). Generally we work in a

studio or in the gardens that are in our backyard. There is limited pedestrian traffic on Federal Hill.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

We have a separate driveway and external door already in existence so the house will remain separate from the proposed studio space. We have a bathroom within the proposed studio.

Chairman Johnson stated that because this is a home occupation there were additional questions to be gone over. He read the questions and asked the applicant to verify that she meets those conditions: he read from the Town of Milford Zoning Ordinance, Article Section 10.02.3 Home Occupations: A. *In all cases involving home occupations, the Board of Adjustment in addition to the criteria contained herein shall consider the following requirements: 1. The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than one (1) non-resident person employed in connection with such occupation.*

Chairman Johnson asked if the applicant was remaining in the primary residence as her home.

T. Thomas stated so.

Chairman Johnson then asked if there will be more than one outside employee.

T. Thomas responded no.

Chairman Johnson explained she has one family member; if she had a dozen family members all twelve could work but she is limited to one non-resident. He then resumed reading from the Ordinance: 2. *There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.* Chairman Johnson stated this was already addressed. 3. *The Home occupation shall be confined to one (1) floor of the dwelling unit or accessory buildings and not more than twenty-five (25) percent of such floor shall be so used.* Chairman stated that according to the floor plan provided, the studio does meet that requirement. 4. *Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.* Chairman Johnson stated to the applicant that if she were selling picture frames, etc. they would have to be maintained and stored in the studio space. 5. *The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.* Chairman Johnson stated he felt that was also well-addressed by the applicant's comments in answer to the other questions. In regard to vehicle traffic, he assumed they would take delivery in nothing larger than the standard UPS delivery truck.

T. Thomas stated that they would not have anything larger making deliveries.

Chairman Johnson said, being a modern photography studio, there was no indication on the floor plan of a darkroom and use of chemicals.

T. Thomas responded no.

Chairman Johnson asked if it would be primarily using a printer and a computer.

T. Thomas agreed, she said it goes to the lab.

Chairman Johnson asked if there were any additional questions. Chairman Johnson asked the Board if they feel the application meets all the requirements.

Is this exception allowed by the Ordinance?

Fletcher Seagroves said yes.

Steve Winder said yes.

Zach Tripp said yes, the applicant has answered all the required questions.

Laura Horning said yes, it is an acceptable use under the Ordinance, home occupations are allowed under Section 10.02.3.

Chairman Johnson agreed that it is allowed by the Ordinance. Home occupations are specified in the Residence R Zone and the additional requirements to be met under Section 10, yes this is

allowed by the Ordinance.

Are all the specified conditions present under which the exception may be granted?

F. Seagroves said yes. They met the five questions for a home occupation.

S. Winder agreed. As the conditions are spelled out in both Sections.

L. Horning said yes the conditions are present; applicants did a very good job of being thorough in answering the questions.

Z. Tripp said yes, the conditions are present for it to be granted.

Chairman Johnson agreed, saying since this is a case for a special exception there are five general criteria to be met and as it is a request for an exception for a home occupation there are five additional criteria. He believed the applicant had clearly met all ten of the specified criteria and all conditions are present.

Chairman Johnson called for a vote.

Is the exception allowed by the Ordinance?

L. Horning – yes, F. Seagroves – yes, Z. Tripp – yes, S. Winder – yes, K. Johnson – yes

Are the specific conditions present under which the exception may be granted?

S. Winder – yes, Z. Tripp – yes, F. Seagroves – yes, L. Horning – yes, K. Johnson – yes

Chairman asked for a motion to approve the request for a special exception.

L. Horning made a motion to approve Case #2012-03.

Z. Tripp seconded.

Final Vote:

S. Winder – yes, Z. Tripp – yes, F. Seagroves – yes, L. Horning – yes, K. Johnson – yes

Chairman Johnson informed the applicant she has been unanimously approved for a special exception. He stated that the Town will be sending her the requisite paperwork and setting her up for the inspection.